

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERNEST CHAVES,

No. C 06-1238 SBA

Plaintiff,

v.

**ORDER TO SHOW CAUSE WHY CASE  
SHOULD NOT BE DISMISSED FOR  
FAILURE TO SERVE**

ELI LILLY AND COMPANY,

Defendant.

---

On February 21, 2006, Plaintiff Ernest Chaves ("Plaintiff") filed a complaint against defendant Eli Lilly and Company ("Defendant"). On June 12, 2006, Plaintiff filed a Case Management Conference Statement requesting the Court to continue the Case Management Conference, currently scheduled for June 28, 2006 at 2:45 p.m., for approximately 120 days, because Plaintiff had not yet served Defendant. Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff was required to serve Defendant within 120 days of the filing of the complaint, that is by June 22, 2006. As of the date of this order, Plaintiff has not served Defendant. Plaintiff has not shown good cause for his failure to serve. If service of the summons and complaint is not made upon Defendant within 120 days, the Court may dismiss the case without prejudice after providing notice to Plaintiff. *See* Fed. R. Civ. P. 4(m).

Accordingly,

IT IS HEREBY ORDERED THAT:


- (1) Plaintiff and/or Plaintiff's counsel of record shall appear in Courtroom 3 of the United States Courthouse, 1301 Clay Street, Oakland, California, on **June 28, 2006, at 4:00 p.m.** to show cause why the above-captioned case should not be dismissed without prejudice for failure to serve the complaint on Defendant.
- (2) No later than **Monday, June 26, 2006**, Plaintiff or Plaintiff's counsel of record must file a Certificate of Counsel with the Clerk of the Court, to explain why the case should or should not be dismissed for failure to serve.

(3) Please take notice that this Order requires both the specified court appearance and the filing of the Certificate of Counsel. FAILURE TO FULLY COMPLY WITH THIS ORDER WILL BE DEEMED SUFFICIENT GROUNDS TO DISMISS THE ACTION.

IT IS FURTHER ORDERED THAT the Case Management Conference, currently scheduled for June 28, 2006 at 2:45 p.m., is VACATED.

IT IS SO ORDERED.

Dated: 6/22/06

  
Saundra Brown Armstrong  
United States District Judge